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EXAMINER

KERNS, KEVIN P

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/920,981

Examiner

Kevin P. Kerns

Applicant(s)

TAHERI ET AL.

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 18 January 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
- _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Kevin Kerns 3/4/06

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 1(c) Other: on page 3 of the amendments to the specification, the 1st paragraph on page 27 of the original specification has incorrectly been replaced twice, which would result in the first of these replacement paragraphs being deleted.

Continuation of 4(e) Other: numerous claim discrepancies (inadvertent amendments?) remain in claims 3, 11-13, 18-20, 24, 27, 28, and 31, as compared to the last compliant amendment dated March 16, 2005. In addition, in new claim 38, 5th line, "ranger" should be changed to "range". All of the claim discrepancies are in claims identified as "original" or "withdrawn", and differ as follows: in claim 3, 1st line, "the" is missing before "cross-"; in claim 11, 3rd line, "comprises" was previously "comprising". In claim 12, 3rd line of step (c), "up stram" was "upstream". In claim 13, 2nd line, "the" is missing after "wherein". In claim 18, 2nd line, a comma is missing after "comprising". In claim 19, 2nd line, "the" was added after "wherein", and "ranger" should be changed to "range" in the last line of claim 19. In claim 20, 3rd line, "comprises" was previously "comprising". In claim 24, 2nd line from the end, "larger cross-section and volume" was previously "different cross-section". In claim 27, 1st line, "the" was previously "wherein that". In claim 27, 2nd line, "a" is missing before "larger". In claim 28, 2nd line, "that" is missing after "wherein". In claim 31, "temperatures" was previously "temperature". In view of these (and possibly further) discrepancies, the applicants are advised to make appropriate changes and carefully review other claims that are not labelled as "(currently amended)" to verify that none of these claims has been inadvertently amended without proper underlining (or other markings or lack thereof) of these changes. Furthermore, the applicants are requested to review the claims for lack of antecedent basis (e.g. "the longitudinal coordinate" and "the contiguous upstream zone" in claim 1).

Kevin Kenna 3/4/06